



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,504	08/29/2001	Shean-Guang Chang	ORACL-01063US1	9220
80548	7590	04/21/2009		
Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER SHINGLES, KRISTIE D	
			ART UNIT 2444	PAPER NUMBER
			MAIL DATE 04/21/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 09/942,504</p>	<p>Applicant(s) CHANG ET AL.</p>	
	<p>Examiner KRISTIE D. SHINGLES</p>	<p>Art Unit 2444</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 8-20,22,24,26,27 and 29.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444

Continuation of 11. does NOT place the application in condition for allowance because: The amendments made to claims 8, 9, 11-14, 16, 18-20 and 22 in the After Final do not change the scope of the previously filed claim language. Applicant argues that five points related to the final rejection.

First, Applicant argues that the cited prior art fails to teach the claimed limitation of "storing a QOS selection for each user of an application server". Examiner respectfully disagrees. As indicated in the final rejection, Subbiah et al clearly teach storing a user's QOS requirement selection in memory along with other information related to the user (col.3 lines 18-28, col.4 lines 34-36, col.5 lines 31-36, Figures 1 and 2). Applicant's arguments are therefore unpersuasive. Secondly, Applicant argues that the cited prior art fails to teach the claimed limitation that "the QOS selection will determine whether the user will be ensured of receiving a message". Examiner respectfully disagrees. In accordance with Subbiah's teachings of QOS requirements have different classifications and specifications associated with each classification (col.7 lines 50-67--ie, delay of Constant Bit Rate versus Variable Bit Rate), Dravida et al and Zweig et al further teach such QOS service classifications pertaining to multicasting, unicasting, broadcasting packets. As explained in the final rejection, Zweig et al teach that the unicast service class requires acknowledgement receipts of the transferred data, which is a more reliable transmission service thus ensuring the user receives the message (col.1 lines 51-62, col.5 line 54-col.6 line 66). Applicant's arguments are therefore unpersuasive.

Third, Applicant argues that the cited prior art fails to teach the claimed limitation of "segregating users into two groups where users in the second group will be ensured of receiving the messages, while users in the first group will not be ensured of receiving the messages. Examiner respectfully disagrees. As stated above and explained in the final above, Zweig et al teach that unicast messaging is a more reliable service since ensuring the receipt of transferred messages by requiring acknowledgment receipts (col.1 lines 51-62). Furthermore, Dravida et al teach the separation of users into service groups based on the classified service level and prioritizing the traffic based on indicated QOS bits(col.18 lines 33-67, col.22 lines 12-16, col.26 line 13-col.27 line 38--ie., unicast vs multicast vs broadcast), which is in tune with Subbiah et al's teaching for separating the different QOS types into different specific QOS queues (Figure 1, col.4 lines 23-47, col.4 line 54-col.5 line 13, col.5 lines 45-51). Applicant's arguments are therefore unpersuasive. Fourth, Applicant argues teaches that the cited prior art fails to teach that "the application server's messaging service will obtain an acknowledgement from the second group of users and will not obtain an acknowledgement from the first group of users based on their selection of QOS choice associated with user". As explained in the final rejection, Zweig et al teach the understood distinction of unicast services vs broadcast and multicast, wherein unicast messages require acknowledgement receipts (col.1 lines 51-62). Dravida et al further makes this limitation obvious by classifying the QOS services into different classes based on explicit QOS throughput guarantees (col.26 line 13-col.27 line 38). Applicant's teachings are therefore unpersuasive.

Lastly, Applicant's fifth argument cites that the cited prior art fails to teach that "the application server transmits a single message by both a reliable and unreliable protocol". Examiner respectfully disagrees. As explained thoroughly above, Zweig et al and Dravida et al teach the transferring data using either reliable or unreliable protocols based on the service required for the user (Zweig et al: col.1 lines 51-62; Dravida et al: col.18 lines 41-59). Applicant's arguments are therefore unpersuasive and the rejections under the prior art are maintained.